

## New Rule

### 0080-6-1-.16 NURSERY STOCK RESTRICTIONS

- (1) Until such time as the State of California and the United States Department of Agriculture (USDA) develops an expanded quarantine area to account for all new detections of *Phytophthora ramourm* (Sudden Oak Death) and until the California Department of Agriculture declares suspect California nursery stock free of the pathogen, the following prohibitions for nursery stock listed by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection Quarantine as “Regulated and Associated Plants for *Phytophthora ramourm*” (Sudden Oak Death, APHIS 3/12/2004, Attachment 1 to this rule, or as published at [www.aphis.usda.gov/ppq/ispm/sod](http://www.aphis.usda.gov/ppq/ispm/sod) , whichever is the most current) shall remain in effect:
  - (a) All nursery stock identified in section (1) originating and/or shipped from the State of California shall not enter into the State of Tennessee.
  - (b) Nurseries and plant dealers within Tennessee who have received shipments of nursery stock identified in section (1) from the State of California are hereby prohibited from selling, moving, or transporting this nursery stock until released by the Commissioner.
  - (c) Nursery stock meeting the description in section (1) that is to be used for experimental or scientific purposes may be exempted from this regulation with the possession of a valid USDA-APHIS-PPQ Plant Pest permit. This material is subject of examination and release by the Commissioner.
- (2) Upon the completion of the requirements stipulated in Section (1), all nursery stock listed by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection Quarantine as “Regulated and Associated Plants for *Phytophthora ramourm*” (Sudden Oak Death, APHIS 3/12/2004, Attachment 1 to this rule, or as published at [www.aphis.usda.gov/ppq/ispm/sod](http://www.aphis.usda.gov/ppq/ispm/sod) , whichever is the most current) must be accompanied by a Phytosanitary Certificate issued by the State of California. Such Phytosanitary Certificate must provide an additional declaration that, “The plant material in this consignment has been produced in a production site free of sudden oak death disease, *Phytophthora ramorum*, and conforms to the USDA SOD-Free Nursery Stock Program.”

- (3) Any plants found to have been transported or moved in violation of these regulations shall be destroyed under the direction of the Commissioner. Failure to comply with this emergency rule may result in the assessment of a civil penalty for each plant in violation of this quarantine and/or suspension or revocation of plant dealer and nursery certificates issued by the department to persons responsible for the movement or sale in violation. Violations may result in criminal prosecution as provided in Tenn. Code Ann. §§ 43-6-016 and 43-6-112.

Authority: Tenn. Code Ann. §§ 43-6-101 through 43-6-112.